



ATTORNEY DOCKET NO. 01173.0001U3
Application No. 09/994,311

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
)
 KAUFMAN et al.)
)
 Application No. 09/994,311)
)
 Confirmation No. 9570) Examiner: Horlick, Kenneth R.
)
 Filed: November 26, 2003) Art Unit: 1637
)
 For: BINARY ENCODED SEQUENCE TAGS)

AMENDMENT AND RESPONSE TO OFFICE ACTION
UNDER 37 C.F.R. § 1.116

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer No. 23859

Sir:

Responsive to the Office Action mailed on November 12, 2003, please consider the following remarks.

Remarks

Double Patenting Rejection

Claims 1, 117, 121, and 126-137 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-131 of U.S. Patent No. 6,383,754.

In response, Applicants submit a Terminal Disclaimer along with the fee required under 37 C.F.R. §§ 1.312(c) and 1.20(d). Applicants submit that this obviates the present rejection. As